

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-CR-246

STEVEN R. SCHENIAN,

Defendant.

ORDER DENYING MOTION FOR RESENTENCING

In response to the Government's letter correcting the record made at the sentencing hearing in the above-referenced matter, counsel for the defendant has requested resentencing. Having reviewed the presentence report, the Court remains convinced that the sentence imposed was sufficient but not greater than necessary to accomplish the goals of sentencing as set forth in 18 U.S.C. § 3553. The Court notes that it imposed a sentence of 72 months on each of the two counts to be run consecutively for a total of 144 months, or 12 years. This was the sentence that the Government had agreed to recommend in the plea agreement that was filed with the Court on April 18, 2016, months before the sentencing hearing where the erroneous information surfaced. Furthermore, given the nature of the crime and the history of the defendant, the Court would have been inclined to impose a higher sentence, had it not been for the Government's recommendation. Under these circumstances, the Court is satisfied that the erroneous information concerning his use of drugs just before his sentencing did not affect his sentence. Had it done so, the Court would have ignored the plea agreement and gone above the 12 years recommended by the Government. Indeed, the 144 month sentence fell well within the Guideline range. For this reason, and for the reasons

set forth in the Court's sentencing comments, the motion for resentencing or reduction in sentence is denied.

SO ORDERED this 8th day of August, 2016.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court